

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re:	§	
	§	Case No. 21-33133
S&M Distributors, Inc.	§	
	§	(Chapter 11 - Subchapter V)
Debtor.	§	

DEBTOR'S MOTION TO CLOSE CASE

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

THERE WILL BE A HEARING ON THIS MOTION ON MAY 24, 2023, AT 11:00 A.M. IN COURTROOM 403, 515 RUSK AVENUE, HOUSTON, TX 77002.

YOU MAY ATTEND THE HEARING EITHER IN PERSON OR REMOTELY. FOR REMOTE PARTICIPATION GO TO THE LINK <https://www.gotomeet.me/JudgeNorman>. DIAL-IN 832-917-1510; CONFERENCE CODE 174086. PARTIES MUST HAVE TWO SEPARATE DEVICES TO APPEAR BY VIDEO AND TELEPHONICALLY. ONE DEVICE WILL BE USED TO LOG ON TO GOTOMEETING AND THE OTHER WILL BE USED TO CALL THE TELEPHONIC CONFERENCE LINE.

To the Honorable Jeffrey P. Norman:

S&M Distributors, Inc., the former debtor, ("S&M") files this its *Motion to Close Case*, and would show this Court as follows:

I.

Grounds to Close Case

1. S&M requests entry of an order closing this Chapter 11 proceeding—subject to any filing requirements by the U.S. Trustee, including a last quarterly report. The liquidating plan has been substantially consummated. Distributions have been made by the Subchapter V Trustee pursuant to the confirmed liquidating plan. S&M will file any required quarterly reports. Accordingly, this case should be closed.

II.

Pertinent Facts

2. On September 27, 2021, Rio Grande, a judgment creditor, filed an involuntary bankruptcy petition against S&M Distributors, Inc. (“S&M”). S&M converted that proceeding to a Subchapter V proceeding under Chapter 11 on March 3, 2022. On July 6, 2022, this Court entered its Order confirming a liquidating plan. S&M consummated its required actions under the terms of the liquidating plan. The plan has been substantially consummated. S&M’s counsel filed a final fee application. S&M has filed all monthly operating reports and quarterly reports to date and will file any required quarterly reports as instructed by the U.S. Trustee.

II

Argument & Authorities

3. This case should be closed. After an estate has been fully administered in a chapter 11 case, the Court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case. 11 U.S.C. § 350(a) and Fed. R. Bankr. P. 3022. Further, a debtor is required to file a report as necessary or as the Court orders under 11 U.S.C. § 1106(a)(7). The information contained in this Motion serves as that report.

4. This case is fully administered, all allowed secured claims and unsecured claims to be paid per the confirmed liquidating plan have been paid. Any remaining administrative claims shall

be paid per the liquidating plan—including WAUSON KING and any additional fees and expenses awarded to the Subchapter V Trustee, Jarrod Martin. Therefore, S&M requests entry of a final decree closing the case.

WHEREFORE, PREMISES CONSIDERED, S&M Distributors, Inc, the former Debtor, respectfully requests that this Court enter a final decree closing the case.

Respectfully submitted,

WAUSON | KING

By: /s/ Anabel King

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Counsel for S&M Distributors, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served upon those parties listed below and on the attached **Exhibit 1** via CM ECF and or United States First Class postage prepaid, on this the 28th of April.

/s/ Anabel King

Anabel King